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TAGS: [PREL](#) [PGOV](#) [ECON](#) [AR](#)  
SUBJECT: ARGENTINA: ELECTING LEGISLATORS, ARGENTINE STYLE

REF: A. BUENOS AIRES 0315  
[1](#)B. BUENOS AIRES 0285  
[1](#)C. BUENOS AIRES 0255

Classified By: Ambassador Wayne for reasons 1.4 (b) & (d).

[1](#)1. (C) Summary: Argentina's political class is increasingly focused on the mid-term national congressional elections, which had been scheduled for October 25 but which the GOA is seeking to move up to June 28 (reftels A and B). Immediately at stake will be one-half of the 256 seats in the Chamber of Deputies and one-third of the 72 seats in the Senate. Beyond the seats in the race, the election results are expected to set the tone for the remaining two years of Cristina Fernandez de Kirchner's government and set the stage for the 2011 presidential election. Assessing this year's challenge to the Kirchners' majority in both houses of Congress is difficult, because that majority is made up of the hard-core Victory Front (FpV) plus some allies whose commitment is less dependable. In the Lower House, the FpV has more seats up for election than does the opposition. Out of the 128 national deputy seats up for renewal, the FpV is seeking to elect 61 of its current 116 seat count, along with the seats of some allies. From the principal opposition parties, the Radicals (UCR) have at stake 12 seats, the Civic Coalition three seats, and the Socialist party and Republican Choice (PRO) five seats, respectively. In the Senate, 24 seats from eight provinces are being contested, currently split evenly between the FpV and the opposition. In addition to the national midterms, the federal district and 13 of the country's 23 provinces will also hold local races. End Summary.

What the Law Says

[1](#)2. (SBU) Argentina's Constitution dictates that one-third of the Senate (or three Senators from eight provinces) and one half of the Chamber of Deputies are up for election every two years. Senators serve six-year terms and deputies four years. The National Electoral Code dictates the election process, entitling the President to convene elections. All Argentines between the ages of 18 and 70 are required to vote; exceptions include condemned prisoners, the mentally ill, and people who are more than 500 kilometers (300 miles) from their voting station on Election Day. The Electoral Code stipulates a fine for not voting. In the 2005 legislative elections, 72.9 percent of registered voters voted, and 76.4 percent voted in the 2007 presidential election. The Electoral Code also says national elections are to be held on the fourth Sunday of October, but Congress is in the process of approving President Cristina Fernandez de Kirchner's (CFK) request to move up the elections this year by four months to June 28. (reftels A and B)

A Dearth of Party Primaries

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13. (SBU) Argentine political parties are no longer legally obligated to hold internal party elections to determine candidate slates. Previously, a law established during former President Eduardo Duhalde's administration (2002-2003) required open primaries (for party members and non-members). In December 2006, the law was abrogated with an article included in the Law of Political Parties that established the regulations for internal party elections (for party members only) but made them optional. The revised law stipulated that any party primaries held are for party affiliates only, effectively ruling out primaries for the most important election vehicles - coalitions among several parties. As a result, few primaries are held. Some parties will do so nonetheless, including the Peronist Party in Corrientes province (which held its primary February 16), the Radical party (UCR) in Buenos Aires City, possibly in Cordoba, and in Mendoza, and the Socialists in Buenos Aires City. For the most part, however, party slates are decided by party leaders behind closed doors.

Who is in the Running  
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14. (SBU) Although there are nominally over 40 national political parties and 650 local parties in Argentina, the principal candidates in the midterms will probably be backed by coalitions versus individual parties. It is too early to provide a definitive list of competing slates as parties have yet to register and are still in the process of alliance building and determining their leading candidates. The new deadline for parties to register their candidates is May 8. Local analysts agree that there will be three main forces in the running: the ruling (Kirchner-allied) Victory Front (FpV), Peronist dissidents, and the Civic Coalition (CC), aligned with the UCR in some races. When parties strike an alliance, the subject of how they negotiate their joint slates becomes a topic of intense speculation among the political class.

What's At Stake  
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15. (SBU) Assessing the challenge to the government's current majority in both houses of Congress is difficult because it is made up of the FpV plus a range of small parties whose alliances constantly shift. In the 256-member Lower House, the FpV has more seats at stake than the opposition. Out of the 128 national deputy seats up for renewal, the FpV is seeking to elect 61 of its current 116 seat count, along with the seats of some allies. Among the principal opposition sector, the UCR has at stake 12 seats, the CC three seats, and the Socialist party and PRO elect five seats, respectively. (Comment: The CFK administration's extended conflict with the farm sector hurt its comfortable majority in both houses. Following the October 2007 elections, the FpV and allies enjoyed a majority of 160 seats in the Lower House and 51 seats in the Senate. Nonetheless, the FpV has been able to count on its short-term alliance building to pass its legislation. Subtracting recent public defections, the FpV majority may be in the range of 140-145, which includes its allies. The March 18 vote on moving up this year's elections provides a current gauge of Kirchner support in the Chamber: 136 votes. End Comment.) In the 72-member National Senate, 24 seats are being contested, currently split evenly between the FpV and the opposition. The Senate races are not spread evenly throughout the country. Only eight of Argentina's 23 provinces will have national Senate races. In those eight provinces, voters will re-elect or replace all three of their province's national senators. Two seats go to the coalition or party receiving the most votes and one to the second-place finisher.

16. (SBU) Local analysts are describing Buenos Aires province as "the mother of all battles" where 35 national deputy seats will be renewed, 20 of which are currently held by the Kirchner-allied FpV. Given Argentina uses the D'Hondt voting

system, the FpV does not need to obtain a certain percentage in order to win 20 seats because it depends also on the number of votes that the other parties achieve. (Comment: The D'Hondt formula allocates seats by calculating averages for each party list based on the number of votes received. Whichever list has the highest average gets a seat, and their average is recalculated given their new seat total. The process is repeated until the seats have been allocated. End Comment.) Nonetheless, local analysts and journalists speculate that the FpV is aiming to achieve at least 30 percent of the votes in Buenos Aires province.

¶7. (SBU) The federal capital district and the surrounding province of Buenos Aires represent 46.6 percent of the total national vote, with the province holding 37.1 percent and the capital city, where 13 deputies -- three of whom are FpV -- will be elected, holding 9.5 percent, according to 2007 presidential elections statistics.

¶8. (SBU) The next most populous provinces, Cordoba and Santa Fe, which represent 8.7 percent and 8.6 percent respectively of the national vote, will be electing nine deputies each. The remaining provinces will elect between two and five deputies each.

¶9. (SBU) Voters in the eight provinces of Catamarca, Cordoba, Corrientes, Chubut, La Pampa, Mendoza, Santa Fe, and Tucuman will elect three senators for six-year terms.

#### Provincial and Buenos Aires City Midterms

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¶10. (SBU) The federal district of Buenos Aires City and 13 of the country's 23 provinces, including Buenos Aires province, are also set this year to hold their provincial legislative elections, voting for a total of 315 deputy and 70 senator seats. Each province and the federal district may decide to hold its elections at the same time, prior to, or after the national elections. Corrientes is the only province that will be electing a Governor and Vice-Governor this year. As the first in the congressional electoral season, Catamarca's election on March 8 assumed symbolic importance by pitting the Kirchner camp against a slate backed by Vice President Cobos. Despite NK's personal involvement, the FpV suffered a decisive defeat in these local elections (ref C).

#### Voting Argentine Style

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¶12. (SBU) The elections are overseen by the National Elections Board, whose president is Alejandro Tullio. The board drafts citizens to staff the voting stations and allows parties to deploy representatives -- known as "fiscales de mesa" ("table auditors") -- who observe the voting and vote counting. The smaller political parties often do not have enough resources or supporters to post observers at each voting station in the country. When a voter enters the voting station, a "fiscal de mesa" checks the voter's identification, registers the voter, and directs the voter to the voting room. Voters enter the "dark room" where they find piles of ballots from different parties as each party provides its own ballot. The voter chooses the ballot for which he intends to vote, folds it, and places it in an envelope. The sealed envelope is then placed in the ballot box just outside the dark room. If a voter wishes to vote for candidates from different ballots, he must tear the ballots to separate the candidates he wants. Then the torn pieces of ballot are placed in the voting envelope.

¶13. (C) The opposition has proposed changing the current multi-ballot system to a single ballot, a measure they believe would simplify the process while reducing the potential for fraud, which the opposition claimed occurred during the 2007 presidential elections. (Comment: While few contest the overall results of the 2007 election, there were reports that some poorer voters arrived at the polls with the ballot already pre-marked for them. Other voters were reportedly paid to put a pile of the opposing slates' paper ballots in their pockets when they left the voting room. End

Comment.) On February 26, the opposition proposed legislation to create a single ballot as part of a national electoral reform effort. Buenos Aires City Mayor Mauricio Macri is also advocating such legislation for the City. Both Minister of Justice Anibal Fernandez and Minister of Interior Florencio Randazzo have publicly described the single ballot as "impractical" in districts with numerous candidates because their names would not fit on one ballot. (Comment: A single ballot would greatly reduce the potential for fraud. It would also cost less than the current system of printing multiple ballots. Indeed, there is no rational argument against moving to a single ballot. End Comment.)

¶14. (SBU) Aiming at reducing the potential for fraud in the midterms, some in the opposition are also calling for outside election observers. The Civic Coalition (CC) submitted a petition to the Electoral Court demanding that Organization of American States (OAS) observers be present for the midterms. The Electoral Court accepted the petition, which it has forwarded to the Ministry of Foreign Relations. Currently, Argentine regulations do not provide for external observers for its domestic elections. (Comment: Former presidential candidate Elisa Carrio of the CC called for an OAS electoral observation mission for the 2007 presidential elections. According to local press reports, during a recent trip to Washington DC, Carrio was told by the OAS that it could not deploy an electoral observation mission without a formal request from the GOA. End Comment.)

WAYNE